

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS DAVID STRODE,
Plaintiff

v.

DEANNA PARK, et al.,
Defendants

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No. 1:21-cv-00291

(Judge Kane)

ORDER

AND NOW, on this 23rd day of December 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. No. 53) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - a. The motion (Doc. No. 53) is **GRANTED** with respect to Plaintiff's HIPAA claim, wiretap claims, First Amendment claims, Fifth Amendment claim, Fourteenth Amendment equal protection claim, and his claims against Defendants Bechtold, Keller, Flannery, and Ziobrowski. Plaintiff may not file a third amended complaint with respect to these claims;
 - b. The motion (Doc. No. 53) is **DENIED** with respect to Plaintiff's Sixth Amendment claim against Defendant Park;
2. Because the Court has resolved all of Plaintiff's claims against them, the Clerk of Court is directed to terminate Warden William Bechtold, David Keller, John Flannery, Robert Ziobrowski, and Officer Jack Gorden as Defendants in the above-captioned action;
3. Defendants' motion for summary judgment on the basis of administrative exhaustion (Doc. No. 63) is **DENIED** with respect to Plaintiff's Sixth Amendment claim against Defendant Park and **DENIED AS MOOT** with respect to all other claims;
4. Defendant Park is directed to file an answer to the second amended complaint (Doc. No. 22) within fourteen (14) days of the date of this Order;
5. The parties are directed to complete discovery within six (6) months of the date on which Defendant Park files her answer; and

6. The parties are directed to file any dispositive motions within forty-five (45) days of the date on which discovery closes.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania